

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. S1-4:14CR00088 RWS (SPM)
)	
DIONNE LAMONT GATLING,)	
ANDRE ALPHONSO RUSH,)	
TIMOTHY LAMONT RUSH, and)	
LORENZO RALPH GIBBS,)	
)	
Defendants.)	

**GOVERNMENT'S RESPONSE TO DEFENDANTS' REPLY REGARDING
DEFENDANTS' JOINT MEMORANDUM OF LAW AND POST HEARING BRIEF IN
SUPPORT OF THEIR JOINT MOTION TO SUPPRESS WIRE COMMUNICATIONS**

COMES NOW the United States of America by and through its attorneys, Carrie Costantin, Acting United States Attorney for the Eastern District of Missouri, and Dean R. Hoag and Michael A. Reilly, Assistant United States Attorneys for said District, and for its response to Defendants' Reply Regarding Defendants' Joint Memorandum of Law and Post Hearing Brief In Support of Their Joint Motion to Suppress Wire Communications ["Defendants' Reply Regarding Necessity," Doc. # 491], states as follows:

On December 9, 2016, Defendants filed their Amended Joint Motion to Suppress Wiretaps, which in large part restated the *Franks* allegations contained in their Joint Motion to Suppress [Doc. #'s 261, 262]. Defendants Amended Joint Motion to Suppress Wiretap Evidence also added a specific necessity challenge as grounds to suppress the wiretap application at issue.

[Doc. # 402, at pages 1, 2, and 29-34]. On January 9, 2017, the Government responded to Defendants' Joint Motion, including a response to the specific necessity challenge raised in Doc. # 402. [See Doc. # 419]. The Government incorporates by reference herein its previously filed response, Doc. # 419.

The Government does not concede any of Defendants' allegations or arguments regarding necessity. The record clearly refutes Defendants' baseless necessity challenge. This includes the Government's previously filed pleadings, and the testimony received at the evidentiary hearings, including the testimony of Special Agent Brett Johnson in January 2017. [See M.Tr., Vol. 7, including pages 114-38, regarding necessity].

Respectfully submitted,

CARRIE COSTANTIN
Acting United States Attorney

s/ Michael A. Reilly
DEAN R. HOAG, #23843MO
MICHAEL A. REILLY, #43908MO
Assistant United States Attorneys
111 South 10th St., 20th Floor
St. Louis, MO 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2017, the foregoing was filed electronically under seal with the Clerk of the Court and served via e-mail upon the following:

Attorneys of Record for defendants.

s/ Michael A. Reilly
DEAN R. HOAG, #23843MO
MICHAEL A. REILLY, #43908MO
Assistant United States Attorneys